

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method of retrieving ~~possibly~~
~~fragmented~~ data requested by a host from a first memory divided
into allocation units, ~~and for supplying said retrieved data as a~~
~~data stream~~, characterized in that the method comprises the steps
5 of:

~~(a)~~ preliminary to retrieving the requested data, determining
in which allocation units ~~of the first memory~~ the requested data is
stored;

~~(b)~~ searching a list of references to ~~defective~~ allocation
10 units ~~of the first memory~~ to determine whether the list ~~comprises~~
~~contains~~ a reference to at least one of the allocation units
determined in the ~~previous~~ ~~preceding~~ step;

~~(c)~~ when a reference to at least one allocation unit
determined in the ~~first~~ ~~determining~~ step is ~~comprised~~ ~~contained~~ in
15 the list, storing, ~~as~~ a first part of the ~~requested~~ data, ~~the data~~
stored in the at least one allocation unit in a second memory; and

~~(d)~~ retrieving the requested data, ~~wherein by retrieving~~ the
first part of the requested data ~~is retrieved~~ from the second
memory and ~~retrieving~~ a second part of the requested data ~~is~~
20 ~~retrieved~~ from the first memory, the second part of the requested
data being complementary to the first part of the requested data,
~~and supplying the first and second parts as a data stream,~~

wherein the first memory has a nominal data retrieval rate and the list is built up by using a method comprising the steps of:

- 25 | ~~(a)~~ monitoring an average retrieval rate with which data is
retrieved from the first memory;
- | ~~(b)~~ determining whether the average retrieval rate drops below
the nominal data retrieval rate;
- | ~~(c)~~ when the average retrieval rate drops below the nominal
30 | data retrieval rate, determining a part of the data of which
retrieval causes the drop of the average retrieval rate; ~~and~~
| ~~(d)~~ adding to the list a reference to the allocation units in
which data is stored of which the retrieval causes the drop of the
average retrieval rate.

2. (Cancelled).

3. (Previously Presented) The method as claimed in claim 1,
wherein the list comprises references to re-assigned allocation
units.

4. (Previously Presented) The method as claimed in claim 1,
wherein the requested data is stored in fragments in the first
memory and the list comprises references to a predetermined number
of allocation units of each fragment.

5. (Previously Presented) The method as claimed in claim 1, wherein the list comprises references to allocation units from which data cannot be retrieved in one read operation.

6. (Previously Presented) The method as claimed in claim 1, wherein the data is a stream of audio-visual data and the file is retrieved in a sequence dictated by the host.

7. (Currently Amended) An apparatus for retrieving possibly fragmented data requested by a host from a first memory, and for supplying said retrieved data as a data stream, the apparatus comprising:

5 A first memory divided into allocation units, said first memory having a nominal data retrieval rate;

~~(a) means for receiving data from the first memory, the first memory being divided into allocation units;~~

~~(b) a second memory; and~~

10 ~~(c) a central processing unit;~~

characterized in that the central processing unit is programmed to:

~~(d) preliminary to retrieving the requested data, determine in which allocation units in the first memory the requested data is stored;~~

15 ~~(e) search a list of references to defective allocation units of said first memory to determine whether the list comprises contains a reference to at least one of the allocation units in which the requested data is stored; and~~

(f) when at least one allocation unit in which the requested data is stored is ~~comprised-contained~~ in the list, store the data stored in the at least one allocation unit in ~~a-the~~ second memory; and

(g) retrieve the requested data, ~~wherein by retrieving~~ a first part of the requested data stored in the second memory ~~is-retrieved~~ from the second memory and ~~retrieving~~ a second part of the requested data ~~is-retrieved~~ from the first memory, the second part of the requested data being complementary to the first part of the requested data, ~~and supply the first and second parts as a data stream,~~

wherein ~~the first memory has a nominal data retrieval rate and the list is built up by the central processing unit by:~~

(a) monitoring an average retrieval rate with which data is retrieved from the first memory;

(b) determining whether the average retrieval rate drops below the nominal data retrieval rate;

(c) when the average retrieval rate drops below the nominal data retrieval rate, determining a part of the data of which retrieval causes the drop of the average retrieval rate; ~~and~~

(d) adding to the list a reference to the allocation units in which data is stored of which the retrieval causes the drop of the average retrieval rate.

8. (Previously Presented) The apparatus as claimed in claim 7, wherein the first memory is a harddisk drive system and second memory is a solid-state memory.

9. (Cancelled).